

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

)

) Chapter 9

)

) Case No. 13-53846

)

) Hon. Steven W. Rhodes

)

**SYNCORA GUARANTEE INC. AND
SYNCORA CAPITAL ASSURANCE INC.'S *EX PARTE*
MOTION FOR AN ORDER AUTHORIZING A BRIEF IN EXCESS OF
PAGE LIMIT**

Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (collectively, “Syncora”) file this *ex parte* motion (this “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** authorizing Syncora to file its pretrial brief regarding confirmation of the City of Detroit, Michigan’s proposed chapter 9 plan (the “Brief”) in excess of the 100-page limit established by this Court’s *Eighth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment* [Docket No. 6699] (the “Eighth Scheduling Order”).

Jurisdiction and Venue

The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

1. Syncora seeks an order authorizing it to file its Brief in excess of 100 pages.

2. On July 18, 2013, the City of Detroit, Michigan (the “City” or the “Debtor”) filed a petition seeking bankruptcy protection and the adjustment of debts under chapter 9 of the United States Bankruptcy Code.

3. On February 21, 2014, the City filed its *Plan for the Adjustment of Debts of the City of Detroit* [Docket No. 2708] (as subsequently amended and modified, the “Plan”). The hearing on confirmation of the Plan is scheduled to begin on August 29, 2014.

4. Pursuant to Rule 7.1(d)(3)(A) of the Local Rules for the United States District Court for the Eastern District of Michigan, made applicable here by Rule 9029-1(a) of the Local Rules for the United States Bankruptcy Court for the Eastern District of Michigan, the text of a response brief, including footnotes and signatures, may not exceed 25 pages. E.D. Mich. LR 7.1(d)(3)(A). A party seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons. *Id.*

5. The Eighth Scheduling Order grants partial relief from Rule 7.1(d)(3)(A) by (a) establishing a deadline of August 27, 2014 for parties,

including Syncora, to file pretrial briefs relating to confirmation and (b) providing that such briefs “shall be limited to 100 pages in length.”

6. Syncora believes that the Brief will likely exceed 100 pages but anticipates the Brief will not exceed 125 pages. Out of an abundance of caution, Syncora requests authority to file its Brief in a length not to exceed 150 pages. In addition to analyzing the legal standards relevant to confirmation of the Plan, the Brief will also include comprehensive descriptions of deposition testimony and analysis of voluminous amounts of data related to the Debtor’s proposed Plan culled from substantial discovery conducted by Syncora in this case.

7. Because of the complexity of the issues involved, Syncora submits that it requires more than 100 pages to meaningfully address the legal and factual bases for denying confirmation of the Plan. In balancing the need to fully address these issues with the burden that filing a lengthy brief imposes on the Court’s resources, Syncora has simplified the Brief to the greatest extent possible. Accordingly, Syncora respectfully requests for this Court to permit Syncora to file the Brief in a length that exceeds 100 pages.

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WHEREFORE, Syncora respectfully requests that the Court grant the Motion to the extent set forth herein and grant to Syncora such other and further relief as may be just and proper.

Dated: August 26, 2014

/s/ Ryan Blaine Bennett

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